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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 263/288

First Inventor Ying Wen Hsu

Title METHOD AND APPARATUS FOR CHANGING THE OPTICAL
INTENSITY OF AN OPTICAL SIGNAL USING A MOVABLE LIGHT
TRANSMISSIVE STRUCTURE

Express Mail Label No. EL622503227US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:Commissioner for Patents
Box Patent Application
P.O. Box 2327
Arlington, VA 222021. ☒ Fee Transmittal Form (e.g., PTO/SB/17) (O+1)

(Submit an original and a duplicate for fee processing)

2. ☒ Applicant claims small entity status.

See 37 CFR 1.27.

3. ☒ Specification {Total Pages 26}

(preferred arrangement set forth below)

- Descriptive title of the invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the invention
- Brief Summary of the invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

4. ☒ Drawing(s) (35 U.S.C. 113) {Total Sheets 07}

5. Oath or Declaration {Total Pages 33}

- a. ☒ Newly executed (original or copy) (2 pp)
- b. ☐ Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).

6. ☐ Application Data Sheet. See 37 CFR 1.767. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)

- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS9. ☒ Assignment Papers (cover sheet & document(s)) (3 pp)10. ☒ 37 C.F.R. §3.73(b) Statement (when the
is an assignee) with copy of Assignment (3 pp) ☒ Power of Attorney (1 p)11. ☐ English Translation Document (if applicable)12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS
Citations13. ☐ Preliminary Amendment14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)16. ☐ Request and Certification under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35
or its equivalent.17. ☐ Other:18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment,
or in an Application Data Sheet under 37 CFR 1.76:☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application nos: 09/837,829; 09/837,817; 60/233,672; 60/241,672

Prior application information: Examiner not yet assigned

Group / Art Unit: 2033

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied
under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The
incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**19. CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Label

22249

PATENT TRADEMARK OFFICE

or ☒ Correspondence address below

Name Lyon & Lyon, LLP

Address Attn: David E. Wang, Esq.
633 West Fifth Street, 47th Floor

City Los Angeles

State CA

Zip Code 90071-2066

Country USA

Telephone 949-567-2300

Fax 949-567-6600

Name (Print/Type)

David E. Wang

Registration No. (Attorney/Agent)

38,358

Signature

Date

November 29, 2001

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Commissioner for Patents, Box Patent Application, Washington, DC 20231.

CERTIFICATE OF EXPRESS MAILING 37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown
below with sufficient postage as 'Express Mail Post Office To Addressee' Label No. EL622503227US in an envelope addressed to Commissioner for Patents, Box
P.O. Box 2327, Arlington, VA 22202

November 29, 2001

Date of Deposit

Frances E. Thurson

OC-98206.1

**FEE TRANSMITTAL
for FY 2002**

Patent fees are subject to annual revision.

Complete if Known

Application Number	To Be Assigned
Filing Date	On Even Date Herewith
First Named Inventor	Ying Wen Hsu
Examiner Name	To Be Assigned
Group / Art Unit	2033 (parent application)
Attorney Docket No.	263/288

TOTAL AMOUNT OF PAYMENT (\$) 887**METHOD OF PAYMENT (check one)**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 12-2475

Deposit Account Name Lyon & Lyon

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☒ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other
FEE CALCULATION**1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	370
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 370)

2. EXTRA CLAIM FEES

Total Claims	73	-20 **	=	53	Extra Claims	X	9	=	477	Fee from below	Fee Paid
Independent Claims	3	-3 **	=	0		X		=	0		
Multiple Dependent						X		=	0		

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 847)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
126	180	126	180	Submission of information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	40
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

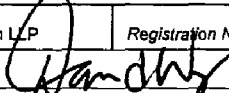
Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 40)

SUBMITTED BY**Complete (if applicable)**

Name (Print/Type)	Lyon & Lyon LLP	Registration No. Attorney/Agent)	38,358	Telephone	949-567-2300
Signature	By: 	David E. Wang	Date	November 29, 2001	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: NEWPORT OPTICOM, INC.

Application No./Patent No.: TO BE ASSIGNED Filed/Issue Date: ON EVEN DATE HEREWITH

Entitled: A METHOD AND APPARATUS FOR CHANGING THE OPTICAL INTENSITY OF AN OPTICAL SIGNAL USING A MOVABLE LIGHT TRANSMISSIVE STRUCTURE S

NEWPORT OPTICOM, INC., a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

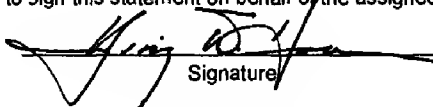
- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

November 14, 2001

Date


Signature

Ying Wen Hsu

Typed or printed name

President

Title

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